

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

FEDERAL HOUSING FINANCE AGENCY, AS
CONSERVATOR FOR THE FEDERAL
NATIONAL MORTGAGE ASSOCIATION AND
THE FEDERAL HOME LOAN MORTGAGE
CORPORATION,

Plaintiff,

v.

MORGAN STANLEY, MORTGAN STANLEY &
CO., INC., MORGAN STANLEY MORTGAGE
CAPITAL HOLDINGS LLC d/b/a MORGAN
STANLEY MORTGAGE CAPITAL, INC.,
MORGAN STANLEY ABS CAPITAL I, INC.,
MORGAN STANLEY CAPITAL I, INC.,
SAXON CAPITAL, INC., SAXON FUNDING
MANAGEMENT LLC f/k/a SAXON FUNDING
MANAGEMENT, INC., SAXON ASSET
SECURITIES COMPANY, CREDIT SUISSE
SECURITIES (USA) LLC f/k/a CREDIT SUISSE
FIRST BOSTON LLC, RBS SECURITIES, INC.
d/b/a RBS GREENWICH CAPITAL and f/k/a
GREENWICH CAPITAL MARKETS, INC.,
GAIL P. McDONNELL, HOWARD HUBLER,
CRAIG S. PHILLIPS, ALEXANDER C. FRANK,
DAVID R. WARREN, JOHN E. WESTERFIELD,
and STEVEN S. STERN,

Defendants.

No. 3:11-cv-6739 (PKC)

NOTICE OF CONSENT TO REMOVAL OF CIVIL ACTION

PLEASE TAKE NOTICE THAT Defendant RBS Securities Inc. (“RBS”) hereby
consents to the Notice of Removal filed in the above-captioned action by Morgan Stanley,
Morgan Stanley & Co., Inc. (n/k/a Morgan Stanley & Co. LLC), Morgan Stanley Mortgage
Capital Holdings LLC (d/b/a Morgan Stanley Mortgage Capital, Inc.), Morgan Stanley ABS
Capital I, Inc., Morgan Stanley Capital I, Inc., Saxon Capital, Inc., Saxon Funding Management

LLC, and Saxon Asset Securities Company on September 26, 2011, and joins in the arguments contained therein.

RBS reserves the right to file a supplemental statement in support of its right to have federal jurisdiction maintained over the claims asserted against it. By consenting to the removal of this matter, RBS does not waive, and expressly preserves all defenses as to jurisdiction, service or otherwise that may be available in this action.

Dated: October 6, 2011

SIMPSON THACHER & BARTLETT LLP

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